

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

FRANCIS MUOLO

Defendant.

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Criminal No. 04-10194-RCL

Joint Motion for Excludable Time and Status Conference

The United States of America, by and through Assistant United States Attorney John T. McNeil, and Francis Muolo, through undersigned counsel, respectfully submit this joint motion to exclude certain time from the Speedy Trial Act calculation, and for a status conference in this matter. The trial of Defendant Muolo has been severed from that of his co-defendants, David Jordan and Anthony Bucci. Since Muolo has withdrawn his motion to suppress and the Court has determined that his own motion for severance is moot, neither Muolo nor the government have any motions pending before the Court other than Muolo's motion for certain costs.

Defendant Muolo is currently exploring a defense which requires the assistance of one or more experts and needs additional time in which to conduct the required work. Moreover, the government seeks proceed with the trial of Defendants Jordan and Bucci before proceeding with the trial of Defendant Muolo. Therefore, the parties request that a status conference be held on or about December 16, 2005, and that all time between October 26, 2005 (the date

Muolo was severed) and the date of the status conference be excluded from the Speedy Trial Act calculation. The parties submit that the exclusion of this time is in the interest of justice.

Respectfully Submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

By: /s/ John T. McNeil
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FOR FRANCIS MUOLO

/s/ John T. McNeil for
KEVIN L. BARRON
Counsel for Defendant MUOLO

Dated: November 3, 2005